

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

FAO.No.1397 of 1995

DATE OF ORDER:

...Petitioner(s)

Versus

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Ajay Sharda, Advocate.

Mr. Suveer Dewan, Advocate.

M.M. AGGARWAL,J

This is an appeal filed by Pritam Singh claimant against award dated 31.1.1995 passed by MACT, Patiala whereby claim petition was dismissed since it was not filed during the prescribed period of limitation.

The occurrence in this case had taken place on 14.4.1990. Pritam Singh claimant is stated to be travelling on a moped and the offending vehicle was car. MACT had held that Pritam Singh had received injuries due to rash and negligent driving of the car by Balwant Singh but since the petition was filed beyond prescribed period of limitation, therefore it was dismissed.

When this appeal came up for hearing, then it was held by this /

Court vide separate order dated 1.9.2006 that as per the law laid down by Hon'ble Supreme Court in case reported in Dhanna Lal v. D.P Vijayvargiya 1996(3) PLR 656, claim petition should not have been dismissed merely on the ground that it was filed beyond the prescribed period of limitation especially when after 19.11.1994, no limitation is prescribed. Thereafter, this case was fixed for arguments on the point of quantum of compensation.

In this connection, it was argued on behalf of the respondents that the appellant had compromised with Balwant Singh respondent No.1 and had received Rs.15,000/-. Copies of affidavit Mark D-1 and D-2 was filed on behalf of the respondents in this connection but Balwant Singh had not appeared to support or prove the affidavit and the receipt.

On behalf of the appellant, it was argued that there was no question of compromising the matter for a small sum of Rs.15,000/-.

As per statement of PW2 Sher Singh, Pritam Singh appellant was working in the office of Assistant Labour Commissioner. He remained on leave from 16.4.1990 to 31.3.1991. Leave from 16.4.1990 to 7.2.1991 was with pay whereas from 8.2.1991 to 31.2.1991 it was without pay. There was shortening of leg by one and half inch of right lower limb with stiffness on the right knee and disability was 50 % as per the Certificate issued by the Doctors.

Pritam Singh appellant had remained on leave for 11 and half months and had to take even some leave without pay. It would itself show that he had received serious injuries and the fact that there had been permanent disability of 50% and shortening of one and half inch, will also show that he will suffer from the injuries throughout his remaining life.

A large number of bills of medicines had been produced by

Pritam Singh. He had stated that he did not get any re-imbursement from the department. However, value of the amount involved in the bills so produced had been Rs.4,000/-. Pritam Singh had stated that he had spent Rs.60,000/-. It will not always be possible to retain bills and in such cases, there will always be expenditure on medicines, treatment and special diet etc.

Pritam Singh was 50 years old at the time of accident. In the facts and circumstances of the case, I am of the view that Rs.50,000/- will be just and fair compensation. Pritam Singh had denied having received any amount or entered into any compromise.

In view of this, appeal is allowed. Rs.50,000/- is awarded as compensation, which shall be payable jointly and severally by the respondents with interest @ 6 % per annum from the date of the application till the amount is paid.

November 16, 2006
manoj

(M.M. AGGARWAL)
JUDGE